

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JANTZ H. KINZER and JOHN W. CHERRY, v. REMINGTON ARMS COMPANY, INC. and SPORTING GOODS PROPERTIES, INC., Defendants.)))))))))))))	Case No. _____ (Case Pending in the Western District of Oklahoma, Civil Action No. 5:09-cv-01242) MOTION TO QUASH SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION
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Thomas L. Millner (“Mr. Millner”), a non-party to this action, by and through the undersigned attorneys, and pursuant to Fed. R. Civ. P. 45(c)(3)(A)(iv), moves this Court for an Order quashing the subpoena served upon him.

In support thereof, Mr. Millner states that appearing for deposition pursuant to the subpoena would subject him to undue burden as he has already provided sworn deposition testimony in another lawsuit against Remington Arms Company, Inc. in which he provided testimony on his knowledge of the Remington Model 700s bolt action rifles and Walker fire control systems, the matters at issue in the above-captioned lawsuit. Plaintiffs’ law firm was present at that deposition and counsel of record for plaintiff in the prior-action.

Mr. Millner is now Chief Executive Officer of Cabela’s, Inc. He no longer works in the firearm manufacturing industry, and has not worked in that industry since leaving Remington in March 2009. He has no additional or new information beyond the testimony previously provided. Remington has offered Mr. Millner’s prior deposition testimony as if taken in the above-referenced case. Mr. Millner respectfully submits that subjecting him to a second

deposition on the same issues he has already provided testimony on would be duplicative and subject him to undue burden in light of his job responsibilities as an executive at Cabela's.

In further support of this Motion, Mr. Millner relies upon his Brief in Support of Motion to Quash and Index of Evidence submitted contemporaneously herewith.

WHEREFORE, Mr. Millner respectfully requests that this Court quash the subpoena issued by Plaintiffs in this matter.

Respectfully submitted this 25th day of February, 2011.

s/ Victoria H. Buter

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CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of February, 2011, I electronically filed the above using the CM/ECF system which sent notification of such filing to the following:

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